

REFERENCE TITLE: state trust land; technical correction

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2407

Introduced by
Representative Young Wright

AN ACT

AMENDING SECTION 37-249, ARIZONA REVISED STATUTES; RELATING TO STATE TRUST LAND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 37-249, Arizona Revised Statutes, is amended to
3 read:

4 37-249. Actions to rescind sales

5 A. The commissioner or any other person may rescind a sale based on
6 fraud only by filing an action in the superior court. An action based on
7 fraud shall be filed within three years after the date of the auction of that
8 property. If the court voids the sale pursuant to this subsection because
9 the buyer has committed fraud, the buyer at that sale shall not receive a
10 refund of the monies paid for the fraudulent sale.

11 B. A person may rescind a sale based on failure to comply with the
12 enabling act, the Constitution of Arizona or the statutes only by filing an
13 action in the superior court. An action based on the failure to comply with
14 the enabling act, the Constitution of Arizona or the statutes shall be filed
15 within two years after the date of the auction of that property, unless a
16 shorter period of limitations applies. If the court voids the sale pursuant
17 to this subsection, the buyer at that sale shall reconvey the property to the
18 state land department. The department shall refund the money paid ~~thereon to~~
19 ~~the buyer~~ at that sale, and make compensation to the buyer for the actual
20 value of the improvements placed on the land by the purchaser. The value
21 shall be determined by the department and paid from the STATE general fund.

22 C. A person who files suit pursuant to this section shall record a
23 notice of lis pendens in the county or counties in which the property is
24 located. Suit shall not proceed to trial unless the court receives a copy of
25 the recorded lis pendens.

26 D. This section does not apply to actions to protest auctions pursuant
27 to section 37-301.